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ESTTA761141 07/28/2016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92059235
Party	Plaintiff Nite Ize, Inc.
Correspondence Address	ROBERT P ZIEMIAN HAYNES AND BOONE, LLP 2323 VICTORY AVE, STE 700 DALLAS, TX 75219 UNITED STATES robert.ziemian@haynesboone.com
Submission	Plaintiff's Notice of Taking Testimony
Filer's Name	Robert P. Ziemian
Filer's e-mail	ipdocketing@haynesboone.com, robert.ziemian@haynesboone.com, venisa.dark@haynesboone.com
Signature	/Robert Ziemian/
Date	07/28/2016
Attachments	Petitioner Notice of Deposition of Clint Todd.pdf(188992 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of:	§
	§
Trademark Reg. No. 4179235	§
	§
Trademark: NITEYE	§
	§
Registered: July 24, 2012	§
	§
IC: 11	§ Cancellation No. 92059235
	§
NITE IZE, Inc.	§
Petitioner	§
	§
V.	§
	§
ZHANGWEI MO	§
Respondent	§

PETITIONER'S NOTICE OF TAKING TRIAL TESTIMONY

TO: Clint Todd, Nite Ize, Inc.
By and through its Attorney of Record
Robert P. Ziemian
Haynes and Boone, LLP
1801 Broadway Street, Suite 800
Denver, CO 80202

Please take notice that commencing at 9:00 a.m. on Thursday, August 11, 2016, at the offices of Haynes and Boone, LLP, 1801 Broadway Street, Suite 800, Denver, Colorado 80202, Petitioner will take the deposition on oral examination, pursuant to Rule 404 of the Trademark Trial and Appeal Board Rules, and Rule 30 of the Federal Rules of Civil Procedure, of Clint Todd as the company representative of Nite Ize, Inc. Definitions of terms are attached hereto as Exhibit "B". The deposition will be taken before a duly authorized court report and will be recorded stenographically. The oral examination will continue from day to day until completed. Respondent is invited to attend and cross-examine.

Respectfully submitted,

Date: July 28, 2016 /Robert P. Ziemian/

Robert P. Ziemian, Esq. Attorney for Petitioner HAYNES AND BOONE, LLP 2323 Victory Avenue, Suite 700

Dallas, Texas 75219 Telephone: 720-484-3713 Facsimile: 214-200-0853

robert.ziemian@haynesboone.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 28th day of July, 2016, the foregoing Petitioner's Notice of Deposition was served on Respondent's counsel of record, pursuant to the Trademark Trial and Appeal Board Rules, via email to the following:

P. Jay Hines Muncy, Geissler, Olds & Lowe, P.C. 4000 Legato Road, Suite 310 Fairfax, Virginia 22033 E-mail: jh@mg-ip.com; mailroom@mg-ip.com

/Robert P. Ziemian/ Robert P. Ziemian